

**DATE: 4-2-12**

## **BDCP ISSUE PAPER**

### **Governance**

**TOPIC: Role of Fishery Agencies in the BDCP Governances structure, particularly as it relates to decision making regarding:**

- **Real time operations and annual operations plans,**
- **Adaptive Management process and adaptive management changes to objectives and conservation measures,**
- **Science process, determinations regarding what monitoring and targeted research is conducted and what methodologies are used.**

**ISSUE DESCRIPTION:** Current language has the Fishery Agencies in an advisory or consultative role. Given the uncertainty with many aspects of the Conservation Measures (CM) which make up the BDCP Conservation Strategy, including real time operations in CM1, an approval role by the Fishery Agencies in the Real time operations, Science, and Adaptive Management process is critical to having and approvable Plan.

The Fishery Agencies have proposed changes to the current governance structure which would address these concerns and give the Fishery Agencies, as the Permit Oversight Group (POG), final approval over the following activities:

- **Water Operations: Real time operations**
  - final decision on discretionary actions, including OMR flow, Shasta operations, North Delta Diversion bypass flows.
- **Adaptive management changes to conservation measures.**
- **Science process: Selection of independent review panels in cooperation with DSP, development of panel charge, changes to monitoring, targeted research to be implemented.**

Action Agencies: FWS, BOR, DFG, DWR, and NMFS

Role of PWAs and NGOs: Advisory

These issues affect Chapters 3 (water operations, CM1 and Adaptive Management and Monitoring Section 3.7), Chapter 6, Implementation, and Chapter 7, Governance.

**AGREEMENT:**

- **A collaborative process between the Fishery Agencies, Permit Oversight Group, and the permittee's (DWR and Authorized Entities (PWAs)) and BOR, the Implementation Board (IB), will be critical to the success of the BDCP.**
- **Adaptive Management process; makeup and charge of the Adaptive Management Team, convened by the BDCP Science Manager.**

#### **DISAGREEMENT:**

- **Characterization of the decision making relationship of the Fishery Agencies and DWR and BOR as a Five Agency Relationship (all substantive decisions regarding water operations, Adaptive Management, and Science made by the Five Agencies) vs. the Permit Oversight Group and the IB, including the Public Water Agencies (PWA's), with decision making residing with the IB.**
- **Use of the Delta Science program as the sole mechanism for providing Independent Science review and advice to BDCP vs. the current language and view of the PWA's that BDCP IB should be able to convene it's own panels.**
- **Use of existing monitoring and science program vs. creating a new BDCP science program which only coordinates with existing programs, (Interagency Ecological Program and Delta Science Program).**
- **Dispute Resolution, should be at the Five Agency Regional Director/Director level, not Governor/Secretary level.**

#### **NEXT STEPS:**

- **Verify all points of agreement and disagreement at April 10 IMT meeting, and elevate to State and Federal Agency Principals April 12 meeting for resolution or elevation to the Agency Workshop.**